

ELIGIBILITY

Table 405. – Disqualification for Unemployment Caused by Labor Dispute									
State	Duration of disqualification			Disputes excluded if caused by			Individuals are excluded if neither they nor any of the same grade or class are		
	During stoppage of work due to dispute (23 States)	While dispute in active progress (13 States)	Other (17 States)	Contract (7 States)	Labor law (7 States)	Lockout (30 States)	Participating in dispute (45 States)	Financing dispute (30 States)	Directly interested in dispute (44 States)
AL	*****	X	*****	*****	*****	*****	*****	*****	*****
AK	X	*****	*****	X	X	*****	X	*****	X
AZ	*****	*****	X <u>1/</u>	X	X	*****	X	X	X
AR	*****	*****	X <u>2/</u>	*****	*****	X	X	*****	X
CA	*****	X	*****	*****	*****	X <u>3/</u>	*****	*****	*****
CO	*****	*****	X <u>2/</u>	*****	*****	X <u>10/</u>	X	X	X
CT	*****	*****	X <u>1/2/</u>	*****	*****	X	X	X	X
DE	X	*****	*****	*****	*****	X	*****	*****	*****
DC	*****	X	*****	*****	*****	X	X	*****	X
FL	*****	X	*****	*****	*****	X	X	X	X
GA	X <u>11/</u>	*****	*****	*****	*****	X	X	X	X
HI	X	*****	*****	*****	*****	*****	X	*****	X
ID	*****	*****	X <u>1/</u>	*****	*****	*****	X	X <u>4/</u>	X
IL	X	*****	*****	*****	*****	X <u>10/</u>	X	X	X
IN	*****	*****	X <u>2/9/</u>	*****	*****	*****	X	X	X
IA	X	*****	*****	*****	*****	*****	X	X	X
KS	X	*****	*****	*****	*****	*****	X <u>7/</u>	X	X <u>7/</u>
KY	*****	X	*****	*****	*****	X	*****	*****	*****
LA	*****	X	*****	*****	*****	X	X <u>4/</u>	*****	X <u>4/</u>
ME	X <u>5/</u>	*****	*****	X	X	X	X	X	X
MD	X	*****	*****	*****	*****	X	X	X	X
MA	X <u>5/11/</u>	*****	*****	*****	*****	X	X	X	X
MI	*****	*****	X <u>2/</u>	*****	*****	X <u>10/</u>	X <u>4/</u>	X <u>4/</u>	X <u>4/</u>
MN	*****	X <u>2/</u>	*****	X	X	X	X <u>12/</u>	*****	X <u>12/</u>
MS	X	*****	*****	*****	*****	X	X	*****	X

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				Employer's failure to conform to					
MO	X <u>2/</u>	*****	*****	*****	*****	*****	X	X	X
MT	*****	*****	X <u>1/</u>	*****	X	*****	X	X	X
NE	X	*****	*****	*****	*****	*****	X	X	X
NV	*****	X	*****	*****	*****	*****	X	X	X
NH	X <u>2/5/</u>	*****	*****	X	X	*****	X	X	X
NJ	X	*****	*****	*****	*****	*****	X	X	X
NM	*****	*****	X <u>1/</u>	*****	*****	*****	X	*****	X
NY	*****	*****	X <u>6/</u>	*****	*****	*****	*****	*****	*****
NC	*****	*****	X <u>2/</u>	*****	*****	*****	*****	*****	*****
ND	*****	*****	X <u>1/</u>	*****	*****	*****	X	*****	X
OH	*****	*****	X <u>1/10/</u>	*****	*****	X	*****	*****	*****
OK	X	*****	*****	*****	*****	X	X	*****	X
OR	*****	X <u>10/</u>	*****	X	*****	X	X	X	X
PA	X	*****	*****	*****	*****	X	X	*****	X
PR	X	*****	*****	*****	*****	*****	X	*****	X
RI	*****	*****	X <u>1/</u>	*****	*****	X	X <u>4/</u>	X <u>4/</u>	X <u>4/</u>
SC	*****	X	*****	*****	*****	*****	X	X <u>4/</u>	X
SD	*****	*****	X <u>1/</u>	*****	*****	X	X	X	X
TN	*****	X <u>5/10/</u>	*****	*****	*****	X	X	*****	*****
TX	X <u>7/</u>	*****	*****	*****	*****	X <u>3/</u>	X <u>7/</u>	X <u>7/</u>	X <u>7/</u>
UT	X <u>5/10/</u>	*****	*****	*****	X	X <u>3/</u>	*****	*****	<u>2/</u>
VT	X	*****	*****	*****	*****	X <u>10/</u>	X <u>4/</u>	X <u>4/</u>	X <u>4/</u>
VA	*****	*****	X <u>2/</u>	*****	*****	*****	X	X	X
VI	*****	X	*****	*****	*****	X	X	*****	X
WA	*****	*****	X <u>1/</u>	*****	*****	*****	X	X	X

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				Employer's failure to conform to					
State	During stoppage of work due to dispute (23 States)	While dispute in active progress (13 States)	Other (17 States)	Contract (7 States)	Labor law (7 States)	Lockout (30 States)	Participating in dispute (45 States)	Financing dispute (30 States)	Directly interested in dispute (44 States)
WV	X <u>11</u> /	*****	*****	X <u>8</u> /	*****	X	X	X	X
WI	*****	X	*****	*****	*****	X	*****	*****	*****
WY	X	*****	*****	*****	*****	*****	X	X	X

1/So long as unemployment is caused by existence of labor dispute.

2/See text for details.

3/By judicial construction of statutory language.

4/Applies only to individual, not to others of same grade or class.

5/Disqualification is not applicable if claimant subsequently obtains covered employment and: earns 8 x wba or has been employed 5 full wks. in covered employment, ME; earns at least \$1,200, MA; works at least 5 consec. wks. in each of which claimant earned 120% of wba, NH; earns 10 x wba, TN; meets monetary eligibility requirements independent of affected employer, UT. However, BPW earned from ER involved in the labor dispute cannot be used to pay benefits during such labor dispute, MA and UT.

6/Fixed period: 7 consec. wks. and the waiting period or until termination of dispute, NY. (See Table 303 for waiting period requirements.)

7/So long as unemployment is caused by claimant's stoppage of work which exists because of labor dispute. Failure or refusal to cross picket line or to accept and perform available and customary work in the establishment constitutes participation and interest.

8/Disqualification is not applicable if employees are required to accept wages, hours, or other conditions substantially less favorable than those prevailing in the locality or are denied the right of collective bargaining.

9/Disqualification not applicable to any claimant who failed to apply for or accept recall to work with an ER during a labor dispute work stoppage if claimant's last separation from ER occurred prior to work stoppage and was permanent, IN.

10/Applicable only to establishments functionally integrated with the establishments where the lockout occurs, MI. Employee not ineligible: unless the lockout results from demands of employees as distinguished from an ER effort to deprive the employees of some advantage they already possess, CO; if individual was laid off and not recalled prior to the dispute, if separated prior to the dispute, if obtained bona fide job with another ER while dispute was in progress, OH; if the individual was laid off prior to dispute and did not work more than 7 days during the 21 cal. days immediately prior to the dispute or if his position was filled and the individual unilaterally abandons the dispute to seek reemployment with the ER, OR; if the claimant was indefinitely separated prior to the dispute and otherwise eligible, TN; if the ER was involved in fomenting the strike, UT; if the ER brought about the lockout in order to gain some concession from employees, VT; if the ER refused to meet under reasonable conditions with the union to discuss the lockout, if the ER during the lockout refused to bargain in good faith with the union over the lockout issues and there is a final adjudication under the NLRA, or if the lockout violated the existing union agreement, IL.

11/Disqualification ceases: when operations have been resumed but individual has not been reemployed, GA; within 1 wk. following termination of dispute if individual is not recalled to work, MA.. If the stoppage of work continues longer than 4 wks. after the termination of the labor dispute, there is a rebuttable presumption that the stoppage is not due to the labor dispute and the burden is on the ER to show otherwise, WV.

12/Disqualification limited to 1 wk. for individuals not participating in nor directly interested in dispute.